

AUTHORITY

Spain - Central Authority & practical information

Central Authority(ies):

*Subdirección General de Cooperación Jurídica Internacional
Ministerio de Justicia (Ministry of Justice)*

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Languages spoken by staff:	Spanish, English, French Working hours from Monday to Friday - 9:00 to 15:00

Practical Information:

(The following information was provided by the relevant State authorities or was obtained from the replies to the 2003 and/or 2008 Service Convention Questionnaires)

Forwarding authorities (Art. 3(1)):	The head of the court administration (Secretario Judicial) of each court is responsible for the service of documents and other acts of communication.
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<p>Methods of service (Art. 5(1)(2)):</p>	<p><i>Formal Service</i> (Art. 5(1)(a)) The Central Authority forwards the document to the Dean Judge (<i>Juzgado Decano</i>) of the Courts of First Instance within the judicial territory (<i>partido judicial</i>) where the document is to be served. This court office is competent for distributing the different proceedings (including service of documents) among the judicial authorities that fall under its jurisdiction. Service is done by the Court of First Instance to which the matter has been forwarded.</p> <p><i>Informal delivery</i> (Art. 5(2)) In principle, although a different form of service is not prohibited nor allowed in Spanish domestic law, the Central Authority does not practice informal delivery within the meaning of Article 5(2).</p> <p><i>Service by a particular method</i> (Art. 5(1)(b)) In principle, although a different form of service is not prohibited nor allowed in Spanish domestic law, the Central Authority does not usually receive a special request by the applicant according to Article 5(1)(b).</p> <p>For more information on methods of service, see European Judicial Network in Civil and Commercial Matters – Service of documents – Spain.</p>
<p>Translation requirements (Art. 5(3)):</p>	<p>Spain has not made a general declaration regarding the necessity to draft or translate all documents into Spanish. This means that, in principle, the Central Authority has the discretion to require such a translation or not. Article 144 of the Spanish Procedural Law establishes that all documents drafted in a foreign language must be accompanied by a translation into Spanish. The requirement for translation is extended to the document or evidence to be served, and if applicable, to the document's summary.</p> <p>In practice, the Central Authority requires a Spanish translation of all the requests for service. Some exceptions have been made, such as, considering the mother tongue of the addressee. However, there have been uneven results on the part of the judicial organs.</p> <p>Only if the forwarding authority justifies sufficiently that the translation is not needed in a particular case, may the Central Authority consider the possibility of accepting the request for service in the original language. However, a summary of the document should always be translated in the official language of the requested country.</p> <p>Spain has concluded a bilateral agreement with <i>Portugal</i> in 1997 aiming to exclude translation requirements in legal assistance matters. There is also a bilateral agreement with <i>Austria</i> for the same purpose, but its application was directly related to the application of the Civil Procedure Convention of 1954 between the two countries, and, as regards service of documents, the latter has been recently substituted by the EU Regulation.</p>

Costs relating to execution of the request for service (Art. 12):	Service of documents is costless, according to Spanish domestic law, and it is performed by public authorities. Special costs deriving from a particular form of service required by the applicant should be dealt with according to the circumstances of the case. Also see European Judicial Network in Civil and Commercial Matters – Service of documents – Spain (question 8).
Time for execution of request:	
Oppositions and declarations (Art. 21(2)):	Click here to read all the declarations and reservations made by Spain under this Convention
Art. 8(2):	No opposition
Art. 10(a):	No opposition
Art. 10(b):	No opposition
Art. 10(c):	No opposition
Art. 15(2):	Declaration of applicability
Art. 16(3):	Declaration of applicability
Derogatory channels (bilateral or multilateral agreements or internal law permitting other transmission channels) (Arts. 11, 19, 24 and 25) Disclaimer: <i>Information may not be complete or fully updated – please contact the relevant authorities to verify this information.</i>	To consult bilateral and multilateral treaties to which Spain is a party, see: www.boe.es/g/es/bases_datos/iberlex.php (<i>in Spanish only</i>) and www.prontuario.org/ . Council Regulation (EC) No 1393/2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (Strasbourg, 13 November 2007) (European Judicial Atlas – Service of Documents). Inter-American Convention on Letters Rogatory (Panama City, 13 January 1975) (http://www.oas.org/DIL/treaties_and_agreements.htm).
Useful links:	Consejo General del Poder Judicial (<i>in Spanish only</i>) Prontuario Auxilio Judicial Internacional – Guide to International Judicial Co-operation in Spain (Ministry of Justice)

(This page was last updated on 18 July 2014)

This page was last updated on:

Conventions (incl. Protocols and Principles)

Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters [14]

